



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/700,069

11/03/2003

William Gabriel Pagan

RPS9-2003-0146US1

3724

45219 7590 01/10/2008  
KUNZLER & ASSOCIATES  
8 EAST BROADWAY  
SUITE 600  
SALT LAKE CITY, UT 84111

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

01/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/700,069

**Applicant(s)**

PAGAN, WILLIAM GABRIEL

**Examiner**

Srilakshmi K. Kumar

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-5,7,9,10,12-14,17-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9,10,12-14,17-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

The following office action is in response to the amendment, filed on October 26, 2007. Claims 1, 3-5, 7, 9, 10, 12-14, 17-19, 21-27 are pending. Claims 1, 10, 24-27 have been amended. Claims 2, 6, 8, 11, 15, 16, 20, 28-30 are cancelled.

#### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-5, 7, 9, and 24 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 3-5, 7, 9 and 24 are directed to an apparatus, however, in the pre-grant publication of the instant application, paragraph 0027, applicant discloses where the invention claimed can be accomplished by software. Specifically, applicant states "all modules maybe implemented in software". This is considered non-statutory under 35 USC 101 as failing to be limited only to embodiments which fall within a statutory. Appropriate correction is required

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims *1, 3, 4, 9, 10, 12-14, 18, 22 and 24-27* are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradski et al (US 6,369,476) in view of Murtha et al (US 7,197,562).

With reference to **claims 1, 10, 14, 18, 24, 25, and 27**, Bradski et al. teaches an apparatus for providing improved interaction to a user of a pointing device, the apparatus comprising: a pointing device interface module (104) configured to interface with a pointing device (see column 3, lines 10-18); an event buffer (108) configured to receive pointing device events generated by a user (see column 3, lines 53-59); directing pointing device events from the buffer to a receiving process (see column 3, lines 9-30); and a feedback module configured to provide visual feedback to the user regarding buffered pointing device events (see column 4, lines 12-20). Bradski et al. teaches that the feedback module is further configured to provide feedback to the user regarding pointing device events passed to a receiving process (see column 3, line 53-column 4, line 20), wherein the feedback module comprises a device driver residing on the driver level of an operating system (controller, column 2, lines 46-65)

Bradski et al. teaches providing the user with feedback as explained above, there fails to be any disclosure of the dialog listing and inventorying a buffered event quantity and a buffered event type for the buffered pointing device events and feedback comprising communicating a buffered event quantity or a buffered event type.

Murtha et al teach an apparatus and methods for an event management system. Murtha et al teach in Fig. 3, item 64, an event log for inventorying a buffered event quantity and an event type (col. 9, lines 49-col. 10, lines 26). Further, Murtha et al teach where the events are shown in a dialog listing in Fig. 3, item 64, col. 10, lines 2-15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the dialog listing and inventorying a buffered event quantity and event type as taught by Murtha et al to be carried out in a system similar to that which is taught by Bradski et al in order to enable the user to

Art Unit: 2629

determine events that have been completed and what events are still in the queue (Murtha et al col. 9, lines 49-col. 10, lines 26).

Bradski et al and Murtha et al fail to teach where the interface module and feedback module provide information on the pointing device events. Shwarts et al teach in col. 16, lines 17-25 where dialog boxes are displayed on the screen for processing user inputs, thus teaching where information on pointing device events. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the dialog box for pointing devcie events as taught by Shwarts et al into Bradski et al as modified by Murtha et al to enable live navigation and to acquire more information about the event (Shwarts et al, col. 3, lines 7-15)

With further reference to **claim 25**, Bradski et al. teaches a pointing device (314); a CPU (102) configured to execute at least one process; and a monitor (312) configured to display interface elements corresponding to at least one process (see column 5, lines 22-55).

With reference to **claims 3, 4, 12, and 13**, Bradski et al. teaches that the receiving process is an application process running on an operating system (see column 3, lines 9-30).

With reference to **claims 9, 22, and 26**, Bradski et al. teaches that the pointing device is selected from the group consisting of a mouse, a pen, a digitizing tablet, a trackball, a touch pad, a touch screen, a pointing stick, a data glove, and a gesture recognizer (see column 1, lines 39-53).

4. **Claims 5, 7, 17, 19, 21, 23, and 30** rejected under 35 U.S.C. 103(a) as being unpatentable over Bradski et al. in view of Murtha et al as applied to **claims 1-4, 9, 10, 12-14, 18, 22 and 24-27** as explained above and further in view of Bates et al. (U.S. Patent No. 6,664,990)

Art Unit: 2629

With reference to **Claims 5, 7, 17, 19, 21, 23, and 30**, Bradski et al as modified by Murtha et al teach all that is required as explained above including the teaching of providing visual feedback to the user (Bradski et al, see column 4, lines 12-20), there fails to be any disclosure of the audible feedback or tactile feedback.

Bates et al. teaches the a computer system having a graphical user interface object wherein the system is capable of providing audible, visual, as well as tactile feedback to the user (see column 5, lines 64-67); wherein the visual feedback being in the form of a status bar or modified cursor (see abstract; column 3, lines 39-41), or a cursor color or shape options (see column 8, lines 54-67). While not specifically teaching that the tactile feedback is selected from the group consisting of force, pressure, vibration, surface actuation, and motion, the examiner takes Official Notice in that all of the claimed tactile feedback forms are well known to those skilled in the art and would be obvious for usage in a device providing tactile feedback to the user.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the user to receive audible and tactile feedback similar to that which is taught by Bates et al. to be used in a system similar to that which is taught by Bradski et al. as modified by Murtha et al in order to generate a system capable registering user input and provide user feedback in order to thereby provide a system that allows for more accurate user input.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769. The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKK January 5, 2007



Srilakshmi K Kumar  
Examiner  
Art Unit 2629